

JS 44 (Rev. 10-17)

CIVIL COVER SHEET

19-cv-2417

The JS 44 Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

Penny Hughes

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mark D. Schwartz, 300 Sandcastle Drive, Bryn Mawr, PA 19010
610 525-5534

DEFENDANTS

Bryn Mawr Bank Corporation/d/b/a Bryn Mawr Trust Company

County of Residence of First Listed Defendant Montgomery
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 367 Health Care: Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 88: <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 75: Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791: Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871: IRS Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities Employment <input type="checkbox"/> 446 Amer w/Disabilities Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

Civil Rights - Title VII - Section 1981

Brief description of cause: Civil Rights - Title VII - Section 1981

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
 DEMANDS >\$150,000

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

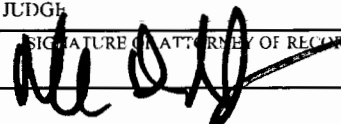
DOCKET NUMBER

DATE

June 5, 2019

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD



RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

JUN - 5 2019

GJPUNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**19 2417**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff 5796 Dunlap Street, Philadelphia, Pa 19131

Address of Defendant 801 Lancaster Ave, Bryn Mawr, PA 19010

Place of Accident, Incident or Transaction: corporate locations of Defendant in Eastern Pa.

RELATED CASE, IF ANY:

Case Number _____ Judge _____ Date Terminated _____

Civil cases are deemed related when **Yes** is answered to any of the following questions

- | | | | |
|---|---|------------------------------|--|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☒ is ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted aboveDATE June 5, 2019

Pa 30527

Attorney-at-Law / Pro Se Plaintiff

Attorney ID # (if applicable)

CIVIL: (Place a v in one category only)**A. Federal Question Cases:**

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | 1 | Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/> | 2 | FELA |
| <input type="checkbox"/> | 3 | Jones Act-Personal Injury |
| <input type="checkbox"/> | 4 | Antitrust |
| <input type="checkbox"/> | 5 | Patent |
| <input type="checkbox"/> | 6 | Labor-Management Relations |
| <input checked="" type="checkbox"/> | 7 | Civil Rights |
| <input type="checkbox"/> | 8 | Habeas Corpus |
| <input type="checkbox"/> | 9 | Securities Act(s) Cases |
| <input type="checkbox"/> | 10 | Social Security Review Cases |
| <input type="checkbox"/> | 11 | All other Federal Question Cases |

(Please specify) _____

B. Diversity Jurisdiction Cases:

- | | | |
|--------------------------|---|--|
| <input type="checkbox"/> | 1 | Insurance Contract and Other Contracts |
| <input type="checkbox"/> | 2 | Airplane Personal Injury |
| <input type="checkbox"/> | 3 | Assault, Defamation |
| <input type="checkbox"/> | 4 | Marine Personal Injury |
| <input type="checkbox"/> | 5 | Motor Vehicle Personal Injury |
| <input type="checkbox"/> | 6 | Other Personal Injury (Please specify) _____ |
| <input type="checkbox"/> | 7 | Products Liability |
| <input type="checkbox"/> | 8 | Products Liability - Asbestos |
| <input type="checkbox"/> | 9 | All other Diversity Cases |

(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

I, Mark D. Schwartz, counsel of record or pro se plaintiff, do hereby certify☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.☐ Relief other than monetary damages is soughtDATE June 5, 2019**JUN - 5 2019**

PA 30527

Attorney at Law / Pro Se Plaintiff

Attorney ID # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

GJP

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Penny Hughes

CIVIL ACTION

Bryn Mawr Bank Construction
d/b/a Bryn Mawr Trust Company19 2417
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

JUN 5, 2019 Date
610525-5534 Attorney-at-law
610525-5534 Attorney for
Mark Schwartz Plaintiff
Mark Schwartz 6814@gmail.com E-Mail Address

JUN - 5 2019

JUN - 5 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PENNY HUGHES
5796 Dunlap Street
Philadelphia 19131

Plaintiff

v.

BRYN MAWR BANK CORPORATION d/b/a
BRYN MAWR TRUST COMPANY
801 Lancaster Avenue
Bryn Mawr, PA 19010

Defendant

CIVIL ACTION

NO. 19 2417

JURY TRIAL DEMANDED

COMPLAINT

COMPLAINT

1. Plaintiff Penny Hughes, an African-American female has been discriminated against on account of race, unfairly targeted, penalized, retaliated against and ultimately fired as a result of standing up for her rights. She has been subjected to a racist and discriminatory atmosphere which pervades Bryn Mawr Trust Company, all of which is countenanced and supported by management. After complaining of discrimination and retaliation internally and being fired, Ms. Hughes filed a charge of discrimination with the EEOC. She now seeks to recover compensatory and punitive damages pursuant to 42 U.S.C. § 1981, Title VII of the Civil Rights Act of 1964, and the Pennsylvania Human Relations Act ("PHRA"), 43 P.S. §951 *et seq*

PARTIES

2. Plaintiff Penny Hughes ("Ms. Hughes" or "Plaintiff") is an adult female born on October 21, 1964 residing in the Commonwealth of Pennsylvania. She was initially hired as a Customer Service Representative/Teller and was continuously employed by Defendant at various branch locations from October, 2006 through to her firing on January 31, 2018. As an African-

American female, she was and remains a member of a protected category of individuals under pertinent civil rights statutes.

3. Defendant, Bryn Mawr Bank Corporation d/b/a Bryn Mawr Trust Company (“Defendant” or the “Bank”) is a publically-traded commercial bank, headquartered at 801 Lancaster Avenue in Bryn Mawr, Pennsylvania. The Bank employed Ms. Hughes and approximately 600 employees and is an employer as defined by Title VII and the PHRA.

4. At all relevant times hereto, Defendant acted by and through its duly authorized actual and/or apparent agents and employees acting within the course and scope of their actual and/or apparent agency and employment.

JURISDICTION AND VENUE

5. This Court has federal question jurisdiction over the subject matter of Plaintiff’s claims under federal law pursuant to 28 U.S.C. §1331.

6. This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. §1367 because the state claims and federal claims are so interrelated that they form part of the same case or controversy under Article III of the United States Constitution.

7. Venue is proper in the Eastern District of Pennsylvania under 28 U.S.C. §1391(b) and (c) since Plaintiff and Defendants reside in the Eastern District of Pennsylvania and since the events or omissions giving rise to Plaintiff’s claims occurred in the Eastern District of Pennsylvania.

FULFILLMENT OF TITLE VII CONDITIONS

8. Plaintiff has fulfilled all conditions precedent to the institution of this action under Title VII and PHRA. Plaintiff dual-filed a charge of discrimination with the Equal

Employment Opportunity Commission (“EEOC”) and the Pennsylvania Human Relations Commission (“PHRA”) on or about July 11, 2018

9. The EEOC issued a Right to Sue letter to the Plaintiff on March 7, 2019, and this lawsuit is brought within ninety (90) days of the issuance of the Right to Sue letter

FACTUAL ASSERTIONS

10. From the outset of Plaintiff’s employment in December, 2008 as a Customer Service Representative/Teller at the Wayne branch, she encountered the Bank’s hostile racial environment, being told by Branch Manager Ms. Callaghan that she would never make it at the Bank. “I did not interview you, and if I did.... You would not have been my choice.” As time went on, Ms. Callaghan never missed an opportunity to denigrate and humiliate Plaintiff in front of others, such as shouting at Plaintiff in front of a client: “I can’t believe you don’t know how to do this.” In another instance Ms. Callaghan wanted Plaintiff to complete paperwork for her. She threw the papers at Plaintiff which missed her desk and fell to the floor. Plaintiff refused to pick them up and Ms. Callaghan screamed to the point that Plaintiff called Ms. Callaghan’s superior, Ms. Cohen.

11. When clients with large sums of money would come in, Ms. Callaghan would interrupt and take over, depriving Plaintiff of credit for origination. When it came to training, Plaintiff was excluded, ignored and was the last one able to go whenever training sessions were held. Deprived of training, so as to learn the function and operation of her job, Plaintiff would read manuals and ask others, for example, calling Branch Operations for help.

12. The workplace continued to be so uncomfortable that Plaintiff called Ms. Cohen to let her know that Plaintiff would be putting in her two-week notice of resignation. Ms. Cohen told her that there was an opening at the Bank’s main branch in Bryn Mawr and asked that

Plaintiff to hold off when it came to resigning. Plaintiff was interviewed for the position at the main branch and was subsequently informed while on vacation that she was approved for the position effective immediately. Plaintiff was told not to return to the Wayne office.

Notwithstanding, Ms. Callaghan continued the harassment and punishment, telling Plaintiff that she had already done the schedule for Wayne, having assigned Plaintiff to work the next three Saturdays, which Plaintiff was required to do, notwithstanding the previous instruction not to go back to Wayne.

13. Plaintiff commenced her position at Bryn Mawr in December, 2008. She initially thrived there and gained a reputation such that those at other branches would call her Branch Manager, Ms. Barb Newcomer, to see if new hires could sit with Plaintiff and be trained. In her job review she received the highest marks that one could get. However, Plaintiff's optimism would soon be crushed by Stephen Novak, then Regional Manager (now SR VP of Retail Banking) who came by her desk and said "You know, this will not happen again." Plaintiff was crushed. Then, in lockstep a few days later, Ms. Newcomer asked Plaintiff to tone down her makeup. Plaintiff could tell that Ms. Newcomer was upset about having to ask her. Several weeks later Mr. Novak asked Plaintiff "Who taught you to do that?" Plaintiff replied "Do what?" His response was "your make-up, it looks better this way." Plaintiff was mortified. Subsequently, Plaintiff was instructed by Ms. Robin Otto to cut her nails down. Plaintiff asked "What do my nails have to do with my job performance? They are clean and nicely polished." The response she was given was that it was offending some clients. When Plaintiff did not comply, she would overhear various managers say "I can't believe she is at the first desk with those nails looking like claws." Plaintiff's nails never looked like claws. Others were more candid in displaying the underlying racist motivation by saying "I can't believe she is at the first

desk period.” Plaintiff was further humiliated regarding her nails when Manager Robin Otto ran her fingers over Plaintiff’s nails at a manager’s meeting, telling her later, “DO you like how subtle I was?” Plaintiff felt that there was nothing subtle about it.

14. In January of 2009, Plaintiff transitioned to the position of Assistant Manager at the Paoli branch. On one occasion, in approximately January of 2011, a meeting was held regarding branch goals with Plaintiff, Mr. Novak and others. After the meeting, Mr. Novak told Plaintiff “At the next meeting look around the room and mirror yourself after them and take a look at the pictures on the wall.” As Mr. Novak well knew in making his racist dig, Plaintiff could never be or look like any of those people referred to by Mr. Novak as they were all Caucasian.

15. Despite Plaintiff’s eventual separation from Ms. Callaghan and the Wayne branch, the harassment continued from Ms. Callaghan who accused Plaintiff of stealing a client from her. Instead of recognizing that the client was not getting adequate service from Ms. Callaghan, with the client therefore preferring to work with Plaintiff, management scolded Plaintiff in January of 2011. This was not the only incident where Plaintiff worked with clients who had been mishandled by others. Notwithstanding Plaintiff’s work, management insisted that another person get the credit.

16. Plaintiff then proceeded to the position of Branch Manager for the Swarthmore branch in 2011. While there she considered it an honor to be on the Events Committee for the Bank and was asked to give the “welcome address” at an employee dinner in 2012. She thought it went well as it occasioned tears and a lot of laughter. She received compliments from many. However, the next time she ran into Mr. Novak, he continued his vendetta by instructing her “You should be more careful about what you say.” When Plaintiff asked him what he meant, he

responded by saying “I heard about your speech the other night. That is one of the reasons I don’t put you on some projects or have you go to certain business functions. I just don’t know what you would say.”

17. In December of 2012, Plaintiff moved to the Bank’s Bala Cynwyd branch, a brand-new branch which Plaintiff was responsible for opening. She viewed it as a new opportunity. However, true to form, after a January, 2013 meeting of representatives of all branches to discuss strategy and goals, Mr. Novak took Plaintiff aside, this time specifically directing Plaintiff: “Do not go business calling Narberth. Therese Trainer (Ardmore Manager) will take care of Narberth. That’s her area.” Plaintiff explained to him that Narberth was connected to and specifically within the jurisdiction of the Bala Cynwyd office. She went on to say that is surely there was enough business for the two of them. However, Novak was insistent stating “I think it’s best to let Therese Trainer handle Narberth.” Plaintiff was devastated. With some frequency, Ms. Trainer, an overt racist, got credit for clients and services originated by Plaintiff.

18. While at Bala Cynwyd, Plaintiff took on a training role for new employees or those in need of training and came to resent the fact that she was passed over for positions by those she had trained. For example, when asked at a meeting attended by Novak, an HR representative and Regional Manager Pat Savino, Plaintiff was asked “Where do you see yourself in the future or where do you want to be?” Plaintiff said that she would like to be a Regional Manager. This was difficult for Plaintiff who had trained Ms. Savino and had applied without success for the Regional Manager position that Ms. Savino was instead awarded.

19. As new positions were advertised, Plaintiff would repeatedly apply, sometimes get an interview, and then be turned down for the position. She wanted to know why this was

the case, so she made inquiries in some instances. In 2015 and 2016 when she did not secure an open regional position, Plaintiff asked, Sr. VP of Retail McDonald why this happened. Ms. McDonald demeaningly told her “I don’t think you have enough business experience or could handle yourself in a business setting.” In another instance where Plaintiff was interested in a regional position, she approached HR to see if she could get an interview. HR representative Fryer curtly told her that “If you have not heard anything by now, they probably don’t want to interview you.” The Bank had hired someone from the outside, who Plaintiff then had to train. Despite the racist allegation that it was not appropriate for her to be in a business setting, repeatedly, Plaintiff was recognized by management to be good enough to train someone for a particular job which she herself was qualified for. Plaintiff came to realize that despite those obvious qualifications, she would never have a regional position.

20. At one-time, Plaintiff was the only African- American Bank manager and upon information and belief was only the second African- American Manager in the Bank’s history. S Frank Leto, now CEO would stop in and visit her.

21. However, reviews came to be painful for Plaintiff. One review, received on November 22, 2016, was upsetting. In an email from Market Area Manager Pat Savino to Plaintiff, the statement is made that “We have seen a change in Penny’s behaviors recently that have led to this meeting. Penny seemed to enjoy being a part of many special projects and initiatives in 2015 but now that things back to ‘Business as Usual (BAU)’, we are seeing a lack of engagement and overall concern with her ability to adjust and continue to lead our Bala Cynwyd branch.” Ms. Savino’s recommendation is that “Penny change her confrontational, negative attitude immediately.” Of course, those who are racist use this kind of language classifying all blacks as confrontational and negative, regardless of whether Plaintiff and other

Bank African-American employees had good reason to be confrontational and negative due to having to work in an atmosphere tolerating and encouraging racial discrimination.

Notwithstanding that environment of discrimination, at all times Plaintiff's demeanor was professional. Ms. Savino went on to use loose and unsubstantiated terminology such as "Perception with Organization", "Lack of Engagement", "Leadership", "Relationships", "Overbearing & Controlling Style", and "Empowerment". In contrast to what can only be described as a hit job, the last paragraph patronizingly read as follows: "It's important to note that Penny has many good attributes, skills and experience that can and do greatly benefit Bryn Mawr Trust. If Penny is open to change, we would like to support her in becoming a true leader who is supportive of our mission."

22. Incensed at this latest indignity, Plaintiff wrote back to Ms. Savino with a point-by-point rebuttal, in anything but a "negative" or "confrontational" manner, ending with the following positive statement when she could have instead detailed the racist history that she experienced and complained of which was never rectified.:

I have been with BMT for 10 years, worked for 8 Managers and reported to seven different locations. I have been a buddy for two system conversions and have worked on multiple projects. In my tenure I have never been told that I was perceived as anything other than a team player who was committed to the success of BMT. I pride myself on creating an environment where my staff is proficient and professional. I plan to continue to support my team and help ensure that we achieve our team goals. I am hoping that going forward that we can establish honest and open communication that is not based on perception or hearsay. In the future, I feel that it would be advantageous to both of us if you could address any negative feedback that you receive with me immediately. Withholding this type of feedback until it escalates it [sp] not beneficial to anyone.

23. Proceeding into 2017 through to her firing, Plaintiff continued to experience harassment through writeups that involved anything but serious, let alone egregious, conduct.

Issues raised with respect to the “Bank Secrecy Act” were selectively made against her, when senior management was not sanctioned for lack of anything resembling systemic compliance. Employees system-wide were afraid that simply forgetting to update client information would result in their firing. Plaintiff received three notices and distinctly remembers her manager directing her to assume one of the notices for an employee under training, so that the employee would not be given a final warning and be fired.

24. Plaintiff also received notice of her purported failure to follow the Bank’s Customer Identification Policy, a truly antiquated and amorphous policy of verifying signatures, that has been used by the Bank as a pretext to get rid of employees. Here Plaintiff went back and forth with her then new Regional Manager Chris DiBello for months up until the beginning of 2018 and was assured by a superior that she would not be fired. Purportedly, the matter was dropped, as Plaintiff to date has never been supplied with a write-up. It should be noted that Plaintiff had three regional managers in the course of three years. Ms. Savino was replaced by Mr. DiBello, who was in turn replaced by Ms. Biernacki.

25. The final harassment and stigma suffered by Plaintiff led to her termination on January 31, 2018. The FBI called her earlier sometime that January and asked for a meeting. Plaintiff spoke to then Regional Manager, Laura Biernacki who said it was just routine. Plaintiff also alerted bank security. The FBI came in with a stack of bank statements and met with Plaintiff. Plaintiff called Ms. Biernacki when the FBI left and sent an email to her, the Bank’s Fraud Department and Branch Administration. Plaintiff was under the impression that everything was fine. Several days later Ms. Biernacki, HR representative Nicole Fryer, and an individual from the Fraud Department met with Plaintiff. They asked her what happened and what information was given away to the FBI. The Fraud representative claimed that the Bank

was investigating the client involved and accused Plaintiff of doing something wrong by cooperating with the FBI. However, Plaintiff told Ms. Fryer and the Fraud representative that she only followed Ms. Biernacki's instruction. Plaintiff was then told to go home. Plaintiff asked Ms. Biernacki what was going on and whether she was going to be fired. She was told "No. Go home. I'll see you tomorrow." Notwithstanding, that evening Plaintiff received a telephone call from Ms. Fryer and Ms. Biernacki informing her that the Bank was firing her. In consistently patronizing fashion, Ms. Fryer then thanked Plaintiff for all of her "hard work" and told her that someone would be in touch to make arrangements for her to get her personal effects. After the passage of three weeks and no call from HR, Plaintiff reached out to the office's security guard who told her that someone had been in her desk as some of Plaintiff's belongings were in a box in the conference room. Worried that her notary stamp was thus exposed for anyone to use, Plaintiff and her sister drove to the branch to retrieve the notary stamp and whatever else was in the box. Plaintiff sat outside in the car as she could not bring herself to go inside. Plaintiff subsequently never heard from anyone in HR.

26. Plaintiff has spent years of enduring unrelenting discrimination, witnessing the hurtful and humiliating behavior that others like Stephen Novak and his racist proteges were able to get away with, all fully sanctioned by senior Bank management. All the while she responsibly and tenaciously worked hard. included training over thirty employees while herself being repeatedly passed over for a promotion. All the while she towed the Bank's party line about the importance of teamwork, always hoping that she would be a promising career. In fact, in a two-minute telephone call it all went down the drain.

COUNT I
VIOLATION OF THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981

27. Plaintiff restates and realleges all previous paragraphs as though fully set forth herein.

28. Defendant has discriminated against Ms. McDaniel by denying her the same rights as are enjoyed by white employees with respect to performance, terms, location, conditions, benefits, privileges, promotion, discipline and emoluments of their employment relationship with the Bank, in violation of the Civil Rights Act of 1866, 42 U.S.C. § 1981.

29. Defendant's conduct has been intentional, deliberate, willful, and conducted in callous disregard of the rights of Plaintiff.

30. By reason of the continuous nature of Defendant's discriminatory conduct, persistent throughout Plaintiff's employment with Defendant, she is entitled to application of the continuing violation doctrine to all of the violations alleged herein.

31. By reason of Defendant's discrimination, Plaintiff is entitled to all legal and equitable remedies available under § 1981, including but not limited to damages for mental anguish and emotional distress, reasonable attorney fees and costs, as well as punitive damages.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant and requests an award of damages including, but not limited to compensatory damages, including any and all recoverable economic and noneconomic loss, punitive damages, reasonable attorneys' fees and costs, and other relief as permitted under the law and as this Court deems just and proper.

COUNT II

**RACIAL DISCRIMINATION, RETALIATION AND MAINTENANCE OF A HOSTILE
WORK ENVIRONMENT IN VIOLATION OF
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED,
42 U.S.C. § 2000e *et seq***

32. Plaintiff restates and realleges all previous paragraphs as though fully set forth herein.

33. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000, *et seq.* as amended by the Civil Rights Act of 1991 ("Title VII), makes it unlawful for employers to discriminate against any individual in the terms, conditions, or privileges of employment on the basis of race.

34. Discrimination on the basis of race that creates an abusive and hostile work environment, such that the conditions of employment are altered, is actionable under Title VII as racial discrimination. In order to establish a hostile work environment, five factual elements must be established: (1) that the employee suffered intentional discrimination because of his or her race; (2) that the discrimination detrimentally affected him or her; (3) that the discrimination was pervasive and regular; (4) that the discrimination would detrimentally affect a reasonable person in the same position as the employee; and (5) that respondeat superior liability exists. In the totality of circumstances, the foregoing five elements are established.

35. Defendant retaliated against Plaintiff as a result of her complaints of discriminatory treatment and a hostile work environment.

36. Defendant is liable for discrimination alleged herein under the doctrine of *respondeat superior* due to the actions and statements of its managers and employees.

37. Defendant is liable for the acts of management and Plaintiff's co-workers, because it knew of the existence of a discriminatory and a hostile work environment, but allowed the illegal acts and practices to continue.

38. Defendant is liable for the acts alleged herein because of its culture of encouraging racial discrimination, harassment and retaliation.

39. Based upon the foregoing facts, Defendant has discriminated against Plaintiff on the basis of her race and retaliated against her for standing up for herself, in deprivation of her rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et. seq. as amended*.

40. Defendant unlawfully retaliated against Plaintiff for filing charges with the EEOC and the Pennsylvania Human Relations Commission.

41. The described unlawful employment practices by Defendant were intentional, deliberate, willful and were with malice or reckless indifference to Plaintiff's rights protected by the laws of the United States, as well as the laws of the Commonwealth of Pennsylvania.

42. By reason of Defendant's discrimination, retaliation and maintenance of a hostile work environment, Plaintiff is entitled to all legal and equitable remedies available.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant and requests an award of damages including, but not limited to compensatory damages, including any and all recoverable economic and noneconomic loss, punitive damages, reasonable attorneys' fees and costs, and other relief as permitted under the law and as this Court deems just and proper.

COUNT III

RACIAL DISCRIMINATION, RETALIATION AND MAINTENANCE OF A HOSTILE WORK ENVIRONMENT IN VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT

43. Plaintiff restates and realleges all previous paragraphs as though fully set forth herein.

44. This claim arises under the Pennsylvania Human Relations Act (“PHRA”). The Pennsylvania Human Relations Act, 43 P.S. § 955 *et seq.*, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment on the basis of race.

45. Plaintiff, as an African-american in a protected class because of her race.

46. Based upon the foregoing facts, Defendant has discriminated against Plaintiff on the basis of her race and has deprived her of her rights in violation of the Pennsylvania Human Relations Act, 43 P.S. § 955 *et. seq.*

47. The effect of the aforementioned practices has been to deprive Plaintiff of equal employment opportunities and adversely affect her status as an employee because of her race.

48. Racial discrimination that creates an abusive and hostile work environment, such that the conditions of employment are altered, is actionable under the Pennsylvania Human Relations Act as race discrimination.

49. With respect to allegations of discrimination and retaliation, Defendant is liable for the acts of its supervisory and management employees, because the harassers and those who effectuated the discrimination used their actual or apparent authority to further the unlawful conduct, and were otherwise aided in accomplishing the unlawful conduct by the existence of an agency relationship.

50. Defendant is liable for the acts alleged herein because its managers and supervisors established its corporate culture which encouraged racial discrimination as well as a hostile work environment.

51. The described unlawful employment practices and actions by Defendant were intentional and were done with malice or reckless indifference to Plaintiff’s rights protected by the laws of the Commonwealth of Pennsylvania. These unlawful acts were committed because

of her race and the fact that she stood up for herself in opposition to illegal practices directed against her.

52. By reason of Defendant's discrimination, retaliation and maintenance of a hostile work environment, Plaintiff is entitled to all legal and equitable remedies available.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant and requests an award of damages including, but not limited to compensatory damages, including any and all recoverable economic and noneconomic loss, punitive damages, reasonable attorneys' fees and costs, and other relief as permitted under the law and as this Court deems just and proper.

COUNT IV

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

53. Plaintiff restates and realleges all previous paragraphs as though fully set forth herein.

54. Defendants acted recklessly or intentionally by discriminating and retaliating against Plaintiff.

55. Defendant's conduct exhibited toward Plaintiff was extreme and outrageous.

56. As a direct and proximate result of the extreme and outrageous conduct of Defendants as set forth above, Plaintiff has suffered severe emotional distress and has required medical treatment in connection with her severe emotional distress.

57. The extreme and outrageous conduct of Defendants, as set forth above, which was committed with a reckless indifference to the rights of Plaintiff, warrant the imposition of punitive damages.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant and requests an award of damages including, but not limited to compensatory damages, punitive damages, reasonable attorneys' fees and costs, and other relief as this court deems appropriate.

JURY DEMAND

The Plaintiff demands a trial by jury of eight on all issues triable by a jury.

CERTIFICATION

I hereby certify that Plaintiff has not brought a similar or related lawsuit encompassing the claims brought in this matter.

Respectfully Submitted,

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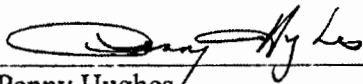
DATED: June 5, 2019

Attorneys for Plaintiff Penny Hughes

VERIFICATION

I, Penny Hughes, do hereby certify that I am the Plaintiff in the within action, and that the facts contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I do further understand that these statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

Dated: June 5, 2019


Penny Hughes